Civil Contempt Action Is Pressed in

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A federal judge has ordered the Archivist of the United States and several White House offices to explain why they should not be held in civil contempt for violating his orders to preserve White House computer records from the Bush and Reagan administrations.

In a ruling this week, U.S. District Judge Charles R. Richey said plaintiffs in the case had satisfied him that two orders he issued in January "may not have been complied with."

He gave the defendants, including former archivist Don W. Wilson, 10 days to respond and will hold a preliminary conference on April 19.

The plaintiffs, led by Scott Armstrong, founder of the nonprofit National Security Archive, filed suit several years ago to prevent destruction of Bush and Reagan White House computer tapes, especially those made by officials of the National Security Council.

Richey held in January that he had no jurisdiction over "presidential records" on

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the tapes, but he ordered that the defendants, including Wilson, the Executive Office of the President and the NSC, take "all necessary steps" to preserve, "without erasure," the "federal" records on the same tapes—such as memos between NSC staff.

Lawyers for Armstrong charged last week that at least six backup tapes that should have been preserved were "overwritten" or "recycled" and that the archivist "failed to take any steps to ensure that electronic records were not erased during the final days of the Bush administration."

They also complained that "the defendants improperly removed the electronic records" from the White House and sent them to the Archives shortly before President Clinton was sworn in Jan. 20.

The transfer was made under the terms of a controversial agreement Wilson signed, giving Bush "exclusive legal control" over the computerized records of his presidency. Wilson left the Archives last month to become executive director of the George Bush Presidential Studies Center at Texas A&M University.